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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,209	04/07/2004	Richard Lunak	050704/306103	7439
826	7590	09/07/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,209

Applicant(s)

LUNAK ET AL.

Examiner

Kimberly D. Nguyen

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/23/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Acknowledgment is made of Amendment filed March 23, 2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-17, 21-25, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Liff et al. (US 5,797,515; hereinafter "Liff").

Re claims 15-16, 21-24, and 29-30: Liff teaches a method comprising
inputting information into a handheld device (40, 41 in fig. 1; col. 6, lines 45+) from an indicium (98, 76 in fig. 1; col. 6, lines 48+) on an open shelving system, the information identifying an item stocked on the open shelving system (col. 6, lines 45-67);

inputting a current quantity of the item to the handheld device (i.e., the number of bottles in each column can be recorded and tracked during use, so that if a proper dispensing has occurred through the barcode reader 40, 41, then the transaction is recorded to the database 407, so that the inventory of cabinet 20 is automatically monitored and updated (col. 6, lines 45-67; col. 7, lines 14-23; col. 18, lines 20-41));

transferring the information and current quantity from the handheld device (col. 6, lines 45-67; col. 7, lines 14-23; col. 18, lines 20-41);

automatically comparing, in a computing device, the current quantity to a par level for the item ("if a proper dispensing has occurred, the transaction is recorded to the data base 407, and the computer determines whether inventory is at or below a predetermined restock value 408... (col. 18, lines 20-41)); and

generating a restocking package in response to the automatic comparing when the current quantity is less than the par level (col. 18, lines 20-41; col. 7, lines 14+).

Re claims 17 and 25: Liff teaches wherein the transferring includes transporting the handheld device (41) to a location (e.g., host computer 46 in fig. 1) where the information and quantity are downloaded (i.e., the handheld device 41 is transported/connected to the host computer 46, where the information and quantity are downloaded as shown in fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-20 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liff in view of Frederick et al. (US 6,112,502; hereinafter "Frederick"). The teachings of Liff have been discussed above.

Re claims 18 and 26: Liff fails to specifically teach transmitting the information and quantity, by the handheld device 41, is over a wireless link.

Frederick teaches a handheld device (542 in fig. 55) transmitting information over a wireless link (col. 45, lines 40-45; col. 8, lines 17-37).

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It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the wirelessly information transmitting by the handheld device as taught by Frederick to the teaching of Liff in order to provide latest/better information transmitting technology (i.e., wireless transmitting) to avoid the hassle of hardwire connection between the handheld device and the host computer.

Re claims 19 and 27: Frederick teaches the transferring includes inserting the handheld device into a docking station (cradle 354 in fig. 40) located proximate to the open shelving system ("The reading device is eventually again placed in communication with the network 328. This may be done by returning it to its cradle..." (col. 54, lines 53-56)) (col. 41, lines 1-23; col. 47, lines 1-12).

Re claims 20 and 28: Frederick teaches the method further including selecting information identifying an item not represented by an indicia (e.g., keyboard, mouse, touch screen, spoken word recognition, etc (col. 19, lines 28-33)) on the open shelving system and inputting to the handheld device a current quantity of the item to be stocked in the open shelving unit (col. 19, lines 20-37; col. 17, lines 21-29; col. 40, lines 16-31).

Response to Arguments

6. Applicant's arguments, see pages 5-7, filed March 23, 2006, with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Liff and Frederick as set forth above.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the

specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402.

The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KDN
September 1, 2006